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MEMO ENDORSED

June 19, 2008

VIA FEDERAL EXPRESS

Honorable Kenneth M. Karas
United States District Judge
United States Courthouse
300 Quarropas St., Room 533
White Plains, NY 10601

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Re: *United States v. Constance Post, et al.*
08 Cr. 243

Dear Judge Karas:

We are newly retained counsel for Wayne Charles in the above referenced matter. We write to request additional time until end of September to obtain and review the discovery material in this case. Neither the government nor the co-defendant, object to an extension of time.

Mr. Charles has been charged in a three count multi-defendant indictment with conspiracy to commit mail fraud, mail fraud, and making false statements. These charges stem from Mr. Charles' alleged dealings with the City of Mount Vernon. At issue appears to be various loan transactions and City contracts. As such, the nature of the evidence overwhelmingly is documentary.

It is our understanding that the Court has set this matter down for a status conference on July 25, 2008. It is our further understanding that by that date the government is to have completed discovery and the defense is to have fully reviewed the materials and be prepared to set down a motion schedule. In our efforts to comply with the Court's current schedule we have spoken with the government, counsel for the co-defendant, and outgoing counsel about the facts of this case and the discovery thus far. In addition, we have submitted various requests for the production of specific items of discovery and requests for particulars.

However, we have learned that there are thousands of pages of discovery materials in this matter and it will cost upwards of \$12,000 to copy. Recognizing as it must that this is cost

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prohibited for these defendants, the government has arranged to allow counsel to view the documents at the United States Attorney's Office and designate which specified items we would like copied. At the completion of this review, we have been advised all the requested materials will be provided.

Besides the inherent problems with such a procedure, namely that it improperly provides the government with a unique insight into the defense's case and strategy, it is exceedingly time consuming and significantly increases the time necessary to review the materials. To complicate matters even further, the Assistant United States Attorney handling this case, Cynthia Keefe Dunne, is currently on trial, and the summer holiday and vacation season is now upon us. Thus, while we recognize the desire of all parties to avoid delay and the need to proceed in a speedy fashion, we respectfully submit that additional time is necessary for the defense to obtain and review the discovery materials.

In light of the foregoing, we respectfully request that the Court's current discovery schedule be extended and the matter be adjourned until September 25, 2008. As noted above, I have spoken with Ms. Dunne as well as Kenneth Saltzman, Esq., counsel for Ms. Post, and neither object.

Thank you for your consideration in this matter.

Respectfully submitted,

Gerald B. Lefcourt

cc: Cynthia Keefe Dunne, Esq. (via facsimile)
Assistant United States Attorney
Kenneth Saltzman, Esq. (via facsimile)

So Ordered,

6/24/08

The Court will hold a conference on September 26, 2008, at 10:00. Time is excluded until September 26 to allow new counsel to review voluminous discovery and to contemplate any motions. Such an exclusion is in the interests of justice and those interests outweigh the Defendants' and the public's speedy trial interests.